

REMARKS

Claims 1-22 and 25-27 stand rejected in the pending office action. Claims 1 and 20 have been amended herein to correct minor clerical errors, without changing the scope of the claims. Claims 1, 25, 26, and 27 are independent claims. The assignee traverses the rejections as to the pending claims.

Claim Rejections – 35 U.S.C. § 103

The office action rejected claims 1-22 and 25-27 as being unpatentable over U.S. Publication No. 2002/0169954, application of Bandini, et al. (Bandini) in view of U.S. Patent No. 6,782,266, issued to Baer, et al. (Baer). The assignee respectfully submits that the cited references fail to disclose the subject matter of the rejected claims.

Claim 1 of the instant application is directed to a method for handling on a wireless mobile communication device a secure message to be sent from the wireless mobile communication device to a recipient. Claim 1 further recites performing a validity check with respect to using a security key associated with the recipient and, where a validity check issue exists, determining a reason for the validity check issue. The reason for the validity check issue is provided via a user interface on the mobile device.

In rejecting claim 1, the office action cites paragraph 44 of Bandini as disclosing claim 1's limitations that a reason for a validity check issue is determined and that the reason thus determined is provided via a user interface on the mobile device. Paragraph 44 of Bandini reads:

Turning to FIG. 6(a), at 602, the e-mail firewall 105 determines if decryption of portions of the message 204 is required. If so, then at 604, decryption is performed in accordance with stored private keys 628. Storing private keys is well known in the art of public key cryptography. After decryption, or if no decryption is required, the e-mail firewall 105 applies policy managers 216, which can perform four types of actions

(shown at 610, 612, 614, 616, and 620) on e-mail message 204 for each policy. Criteria actions 610 present filtering criteria selected by the administrator. Exception actions 612 determine which criteria 610 are excluded. Multiple criteria 610 can be selected which effectively results in a logical AND operation of the criteria. Multiple exceptions 612 can be selected which effectively results in a logical OR operation of the exceptions; that is, any one of the exception conditions being true will result in a policy not being triggered. In another embodiment, a generic Boolean expression is used in lieu of the criteria and exception combination. Annotation actions 614 cause generation of attachment to message 602 or insertion of text into the body 208 of the message. The manner by which annotations are made is based on a policy entered by the administrator. Notification actions 616 cause the sending of one or more e-mail notifications when a given policy is triggered. Notifications can be sent to sender, recipient, administrator, or any e-mail address that is defined by the administrator. In addition, notification actions 616 allow specification of whether the original message 204 should accompany the notification. Disposition action 620 determines whether the message should continue to the destination(s) (specified by field 620) or whether one of a plurality of alternative actions 622 such as deferral, quarantine, return to sender, or dropping of the message are required.

The office action also includes additional text that explains its application of paragraph 44 to the recited claim language. For example with respect to the limitation of determining a reason for the validity check issue, the office action states, “Notification actions are caused during a given policy being triggered and executed.” The office action explains Bandini’s disclosure of claim 1’s limitation that recites providing the reason for the validity check issue via a user interface on the mobile device by stating, “The issue is what is being notified.” Further, in response to assignee’s previously submitted arguments, the office action “acknowledges” the assignee’s concerns that Bandini does not disclose determining a reason for the issue resulting from the validity check. However, the office action then cites paragraphs 45-47 of Bandini as teaching this limitation of claim 1, stating that the cited paragraphs provide “an example of a policy being triggered which provides further evidence of the extent of information that is included in the annotation and notification actions.” The office action’s response to the assignee’s argument further states:

In the end of the execution of a policy being triggered, Bandini discloses that “the security manager provides a corresponding result notification to the policy manager so as to facilitate proper follow up actions, such as rejection or acceptance of the e-mail message (Par 0047).” This is evidence of the extent of information that is included in the Annotation, Notification actions of a Policy Manager whenever a policy issue has arisen. The extent of information that is included in the annotation/notification suggests or implies “a reason(s) for any validity check issues,” since “corresponding result notification” would have suggested or implied to include information of any point of failures that have occurred during the execution of a policy, “so as to facilitate proper follow up actions, such as rejection or acceptance of the e-mail message.” (Emphasis original.)

The assignee respectfully disagrees with the office action’s characterization of paragraphs 45-47 of Bandini. The language from Bandini that is quoted in the passage above shows that Bandini does not disclose the subject matter as asserted in the office action. The “result notification” mentioned in Bandini is provided to *the policy manager software module* to facilitate follow-up actions. Even *assuming arguendo* that Bandini “suggests or implies” a reason for a validity check issue (which it does not), Bandini includes no teaching whatsoever of providing a reason for a validity check issue via *a user interface on a mobile device*, as required by claim 1. Because in claim 1 the reason for the validity check issue is surfaced to the user, the user can take corrective action before the message is even sent. This does not occur in Bandini, nor for that matter is there such a teaching in Baer. Thus, at least because of this difference between the cited art and claim 1, the subject matter of claim 1 is patentable and should proceed to issuance.

The passages from Bandini that the pending office action cites in rejecting claim 1 fail to disclose other aspects of the subject matter recited in claim 1 as well. For example, paragraph 44 of Bandini is explicitly directed to the handling of received e-mail messages. Paragraph 44 discusses Figure 6(a) of Bandini. As Bandini states, “FIG. 6(a) is a flowchart showing operation of the e-mail firewall 105 in response to a *received message*.” (Bandini, paragraph 43; emphasis added.) This is in contrast to the subject matter of claim 1, wherein the processing is performed

before a message is even sent, thus giving a user of the mobile device the benefit of taking steps to ameliorate the validity check issue before the secure message is sent. In the cited passages of Bandini, on the other hand, an e-mail firewall receives a message and processes the message. If an issue related to the received message is found, there is no disclosure in Bandini for providing a reason about the issue to a user interface, and the sending user thus would have no opportunity to try to fix the issue that was identified and about which the reason was surfaced to the user. For at least this additional reason, claim 1 is patentable over the cited references and should proceed to issuance.

The assignee disagrees with other positions in the office action as well. For example, claim 4 further illustrates the differences from the teaching of Bandini. Claim 4 recites that a user composes a secure message and that the composed message is to be encrypted using the recipient's public key. In rejecting claim 4, the office action cites paragraph 37 of Bandini and states that the subject matter of claim 4 "is inherent in S/MIME protocol." Paragraph 37 of Bandini discusses the operation of the S/MIME protocol. Nothing in Bandini, however, discloses the subject matter of claim 4. Claim 4 requires that the processing of the method takes place on a mobile device. In contrast, Bandini teaches processing that is performed via an e-mail firewall, and it does not provide any disclosure about a user that has composed a secure message on a wireless device and to whom information about a validity check is provided. For at least this reason, claim 4 is patentable over the cited references and should proceed to issuance.

Claim 26 of the instant application recites a wireless mobile communication device that handles a secure message to be sent from the wireless mobile communication device. In rejecting claim 26, the office action merely cites the combination of Bandini and Baer as teaching a wireless mobile communication device, without providing a citation to a specific

portion of either reference that discloses the recited subject matter. As mentioned above, Bandini contains no reference whatsoever to a wireless mobile communication device or an electronic device, nor does it disclose a means for providing a reason for a validity check issue on a user interface, as required by claim 26. The Baer reference teaches a method of communicating wirelessly in a restricted wireless zone. For example, if a device includes both a Bluetooth transceiver and a GSM/GPRS transceiver, Baer teaches permitting the device to communicate via the Bluetooth transceiver in a zone where the device's ability to communicate via a GSM/GPRS transceiver has been restricted for some reason (e.g., the device is located in a hospital or on an airplane). There is no teaching in Baer, though, of a validity check of a recipient's security key or anything about secure messaging. Also, like Bandini, Baer lacks any disclosure of providing a reason for a validity check issue on a user interface, as required by claim 26. Due to the complete lack of disclosure in the cited references of the subject matter recited in claim 26, the claim is patentable and should proceed to issuance.

The office action cited the same rationale in rejecting independent claims 25 and 27 that was cited in rejecting independent claim 1. Therefore, claims 25 and 27 are patentable for at least the reasons set forth above with respect to claim 1 and should similarly proceed to issuance.

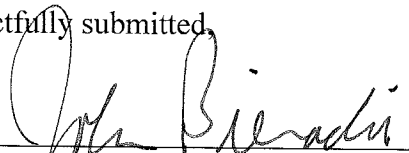
It is noted that the assignee has not provided arguments with respect to certain of the dependent claims in the instant application. This is done without prejudice to the assignee's right to present arguments regarding each of the dependent claims at any point in the future. Further, because each of the dependent claims in the instant application depends from an independent claim that is patentable, the dependent claims are themselves patentable for at least the reasons set forth with respect to the independent claims.

CONCLUSION

For the foregoing reasons, assignee respectfully submits that the pending claims are allowable. Therefore, the examiner is respectfully requested to pass this case to issuance.

Respectfully submitted,

By: _____


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